

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SLEEPY'S, LLC,

Plaintiff,

-against-

ORDER
CV 07-4108 (TCP)(ARL)

SELECT COMFORT WHOLESALE CORP.,

Defendant.

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LINDSAY, Magistrate Judge:

Before the court is the defendant's letter application dated April 20, 2009, seeking to compel the plaintiff to produce documents withheld on the basis of the attorney-client and/or work-product privilege. The court cannot resolve the motion on the papers before it. Accordingly, by May 5, 2009, the defendant is to provide the court with a document that identifies the people listed on its privilege log and their position or relationship to the company. The defendant shall also provide the documents that have been withheld for *in camera* review. The court cannot resolve the parties' dispute concerning whether the documents were issued for the purpose of legal advice without reviewing the documents.

Dated: Central Islip, New York
April 28, 2008

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge